

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): C. Aggarwal et al.
Docket No.: YOR920000430US1
Serial No.: 09/703,174
Filing Date: October 31, 2000
Group: 2176
Examiner: Nathan Hillery

Title: Methods and Apparatus for Intelligent
Crawling on the World Wide Web

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
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Sir:

The remarks which follow are submitted in response to the Examiner's Answer dated July 18, 2008, in the above-identified application. The arguments presented by Appellants in the corresponding Appeal Brief are hereby incorporated by reference herein.

In Section 10 of the Answer, on pages 10-14, the Examiner responds to various arguments raised by Appellants in the Appeal Brief.

REMARKS

The Examiner argues that because “in order to have an existing set of statistics the statistics had to be collected at some point in time[, t]he existence of a set of statistics only bolsters the Office’s position.” Appellants respectfully disagree. Claim 1 does not merely require the collection of a set of statistics, but rather requires collecting at least a set of aggregate statistical information and a set of predicate-specific statistical information about the one or more retrieved documents as the one or more retrieved documents are analyzed.

As such, Chaudhuri’s disclosure directed toward a method of “determining if the existing set of statistics contains an essential set of statistics” in fact teaches away from the limitation of claim 1 at issue. This is the case even if the existing set of statistics and essential set of statistics could in fact be analogized to the aggregate statistical information and set of predicate-specific statistical information, as the Examiner contends. Rather than collecting both a set of aggregate statistical information and a set of predicate-specific statistical information, as recited in claim 1, Chaudhuri instead collects one set of statistics which the Examiner analogizes to the aggregate statistical information recited in claim 1, then subsequently determines whether that set of statistics includes another set of statistics, which the Examiner analogizes to the predicate-specific statistical information recited in claim 1.

The Examiner argues that either “aggregation clauses, which are queries that produce a set of statistics, or the existing set of statistics described by Chaudhuri et al. clearly meet the claimed limitation of collecting a set of aggregate statistical information.” The Examiner argues that the “specification describes but does not define the aggregate statistical information.” Accordingly, the Examiner contends that, when given its broadest reasonable interpretation in light of the specification, the recited set of aggregate statistical information encompasses any set of statistics.

Appellants note that the Federal Circuit has held that, with emphasis added, that the “PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant’s specification.” *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (emphasis added).

Furthermore, the Examiner's proffered interpretation completely ignores the inclusion of the word "aggregate" within claim 1 and is hence improper. See, e.g., *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art.")

The Examiner argues that Chaudhuri teaches "that an essential set of predicates from the SPJ queries are included among the statistics, which meet the claimed predicate-specific statistical information."

Even if this "essential set of predicates" could be characterized as the recited "set of predicate-specific statistical information," the inclusion of such a set within another set of statistics, alleged to be a set of aggregate statistical information, would nonetheless fail to meet the limitations of claim 1. As noted above, Claim 1 requires collecting at least a set of aggregate statistical information and a set of predicate-specific statistical information about the one or more retrieved documents as the one or more retrieved documents are analyzed.

The Examiner asserts that Appellants' argument in the Appeal Brief "complicates the issue by focusing on a range" and that this range "is clearly a subset." Appellants respectfully submit that the Examiner appears to be mischaracterizing Appellants' argument. Appellants respectfully submit that a disclosure that "MNSA guarantees inclusion of an essential set of the query" fails to teach or suggest a limitation directed toward collecting a set of predicate-specific statistical information.

Moreover, the "essential set of statistics" is not a set of statistical information maintained for the subset of documents which satisfy a given predicate. Rather, as described in Chaudhuri at column 19, lines 9-34, the essential set of statistics is a set of statistical information required in order to evaluate whether a given predicate is satisfied.

Accordingly, Appellants respectfully submit that the relied-upon portions of Chaudhuri fail to remedy the fundamental deficiencies of Chakrabarti with regard to claim 1. Accordingly, Appellants respectfully submit that the combined teachings of Chakrabarti and Chaudhuri fail to render the limitations of claim 1 obvious, as alleged by the Examiner.

Moreover, even if it were possible to combine Chakrabarti and Chaudhuri so as to reach the limitations of claim 1, the Examiner has failed to proffer a legally sufficient explanation for why one having skill in the art would have done so. The Examiner asserts that "it is not

understood how, in the case of a claim to a combination, that one of ordinary skill in the art could not have combined the claimed elements by known methods.”

The Supreme Court recently held that a “patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (U.S., 2007) Rather, the Examiner must explicitly provide a “reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* “This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.*

The Examiner asserts that “[b]ecause both Chakrabarti et al. and Chaudhuri et al. teach methods of collecting statistics, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of collecting aggregate and predicate-specific statistics.”

The Examiner’s argument amounts to an unsupported assertion that one would have been motivated to combine the references in order to meet the limitations of claim 1 because one would have motivated to meet the limitations of claim 1. This is not only a conclusory statement, but also is clearly an impermissible attempt to “import hindsight into the obviousness determination by using the invention as a roadmap to find its prior art components,” in precisely the manner specifically proscribed by the Federal Circuit. *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1337, 75 USPQ2d 1051, 1054 (Fed. Cir. 2005).

With regard to dependent claims 9, 18 and 27, the Examiner asserts that Ch2 contains “teachings of per-URL statistics by truncating components,” and that such alleged teachings “clearly meet the claim language of gathering statistical information by using URL tokens.” Appellants respectfully submit that the Examiner appears to be mischaracterizing the teachings of Ch2.

The only disclosure within Ch2 directed to any use of URL tokens is that cited by the Examiner, namely Ch2 at page 382, column 1, lines 29-37. As previously noted, the relied-upon portion of Ch2 states that a “crawler can use various devices to extend its frontier. . . . E.g., if the URL is of the form http://host/path, the crawler may truncate components of path and try to fetch these URLs.”

In other words, rather than teaching collection of per-URL statistics by using URL tokens, Ch2 merely teaches an analysis of URL components in order to determine pages to be crawled. As such, Ch2 fails to teach or suggest the limitations of claims 9, 18 and 27 directed to directed to using one or more uniform resource locator tokens in the one or more retrieved web pages in statistical information collection.

In view of the above, Appellants continue to believe that claims 1-27 are in condition for allowance, and respectfully request the reversal of the §103(a) rejections.

Respectfully submitted,

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Date: September 18, 2008

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